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Crl.O.P.No.239 of 2025

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2025

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**THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA**

Crl.O.P.No.239 of 2025

Nagaraj

... Petitioner

Vs.

The State represented by,  
The Inspector of Police,  
B3 Variety Hall Road Police Station,  
Coimbatore City, Coimbatore District.  
(Crime No.196 of 2024).

... Respondent

**PRAYER :** Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in connection with Crime No.196 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.C.S.Saravanan

For Respondent : Mr.Leonard Arul Joseph Selvam  
Government Advocate (Crl.Side)

**ORDER**

Petition seeking bail in respect of Crime No.196 of 2024 registered for the alleged offences punishable under Section 123 of BNS and Sections 7(1) & 20(1) of the Cigarette and other Tobacco Products Act, 2003, is on board for consideration.



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2. The incarceration of the petitioner/A6 being from 14.12.2024 pleading innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He further submits that the co-accused in this case have been granted bail by this Court in Crl.O.P.Nos.32415 & 32488 of 2024 vide orders dated 27.12.2024. He also submits that the petitioner, aged about 57 years, is ready to abide by any stringent condition that may be imposed by this Court and further, without prejudice to the defence and contention, the petitioner is ready and willing to deposit a sum of Rs.25,000/- to any welfare scheme of the Government or any other organization.

3. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the accused were found to be in illegal possession of 1050 kilograms of banned tobacco products. He further submits that the case is under investigation and further, three previous cases of similar nature are pending against the petitioner.

4. Considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** to the credit of "**St. Annes Home for Children, Cruzpuram, Thoothukudi, (A/C.No.001100050304673, IFSC :**



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**TMBL0000001, MICR:627060004, Tamilnad Mercantile Bank Ltd., 56 & 57 Beach Road, Thoothukudi Main Branch, Thoothukudi - 628 001)",** without prejudice to the right of defence before the trial Court and making it clear that it would not amount to admission of guilt.

5. Further, having heard the learned counsel for the petitioner, the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record including the counter filed by the respondent and considering that the co-accused have been granted bail by this court, this Court is inclined to grant bail to the petitioner with certain conditions and accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.V, Coimbatore**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

**[b] the petitioner shall report before the respondent Police, everyday at 10.30 a.m. for a period of four weeks and thereafter, as and when required for further interrogation;**



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[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]***;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

**08.01.2025**

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To

1. The Judicial Magistrate No.V,  
Coimbatore.
2. The Inspector of Police,  
B3 Variety Hall Road Police Station,  
Coimbatore District.
3. The Superintendent,  
Central Prison, Coimbatore.
4. The Public Prosecutor,  
High Court of Madras.

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